IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 1209 OF 2005

Mrs.Sarita Shidlingappa Shetye..... ....Petitioner
V/s
Santosh Pundalik Sarudkiar..... ....Respondent.

Ms.P.P.Tendulkar, h/f Pradeep Sawant, Adv. For the petitioner.

Mr.N.P.Bapat, Adv. For the respondent.

CORAM: A.P.DESHPANDE, J.
31/8/07

PC:

The present appellant is the original defendant against whom the respondent instituted a suit for possession after revocation of the licensee. The present appellant claims that she is the tenant and not licensee.

2. In the year 1990 the present appellant had filed a suit for injunction apprehending dispossession at the hands of the present respondent by claiming that the appellant is tenant in the suit premises. The respondent herein contended that the status of the appellant is that of licensee. The issue as to whether the appellant is a tenant or the licensee was framed in the said suit filed in the year 1990 and answered against the appellant. The Court held that the appellant is a licensee and not a tenant. So holding an injunction came to be granted restraining

respondent from evicting the appellant except in accordance with due process of law. After termination of the proceedings in the suit filed in 1990 the respondent revoked the licence and filed present suit for possession. Suit has been decreed by the trial Court and the First Appeal filed by the respondent came to be dismissed by the District Judge by holding that the finding in relation to status of the appellant being licensee would operate as *res judicata* in the present proceedings. So holding the appellate Court dismissed the appeal filed by the present appellant. Perused the impugned judgment. Same does not call for interference. No substantial question of law is involved. Hence second appeal is summarily dismissed. Civil Application 1677 of 2005 stands disposed of accordingly.

31.8.07